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COMMISSION ON HUMAN RIGHTS
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Agenda item 3

ORGANIZATION OF THE WORK OF THE SESSION

Algeria, Angola, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Iran (Islamic Republic of)*, Malaysia, Nigeria*, Pakistan, Philippines, Sri Lanka, Viet Nam*: draft decision

1996/... Organization of the work of the session

At its ... meeting, on .. March 1997, the Commission on Human Rights, decided that the adoption of decisions and resolutions should, without prejudice to its rules of procedure, be based on consensus, voting being reserved only for cases where consensus was not reached after all efforts to that end had been exhausted.

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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COMMISSION ON HUMAN RIGHTS
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Agenda item 4

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Algeria, Bahrain*, Bangladesh, China, Cuba, Egypt, Indonesia, Jordan*, Malaysia, Morocco*, Oman*, Pakistan, Qatar*, Saudi Arabia*, Tunisia*, Yemen*: draft resolution

1997/... Question of the violation of human rights in the occupied Arab territories, including Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian territories, including Jerusalem, and other occupied Arab territories,

Recalling also the General Assembly resolutions on Israeli violations of human rights in the Palestinian occupied territories, since 1967 and until now,

Recalling further the provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights in June 1993,

Taking note of the report (E/CN.4/1997/16) of the Special Rapporteur, Mr. Hannu Halinen, regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993,

Taking note also of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968, including the latest (A/51/99/Add.2),

Noting with great concern the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling on Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other Arab Territories occupied by Israel since 1967, including Jerusalem,

Welcoming anew, the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993 and of the following agreements, whereby violations of human rights will end through the implementation of these agreements and the full withdrawal of Israeli forces from the occupied Palestinian territories, including Jerusalem,

Recalling all its previous resolutions on the subject, including the latest, resolution 1996/3 of 11 April 1996,

1. Condemns the continued violations of human rights in the occupied Palestinian territories since the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the

Palestine Liberation Organization on 13 September 1993, in particular the continuation of acts of killing, the detention of thousands of Palestinians without trial, the continuation of the confiscation of lands, the extension and the establishment of Israeli settlements, the confiscation of property of Palestinians and expropriation of their land, and calls upon Israel to cease these acts immediately;

2. Also condemns the opening of a tunnel under the Al Aqsa mosque, the establishment of an Israeli settlement on Jabal Abu Ghenaim in occupied Arab Jerusalem, the revocation of identity cards of the citizens of the Palestinian city of Jerusalem and forcing them to live outside their home with the aim of the Judaization of Jerusalem, and calls upon the Government of Israel to close the tunnel and to immediately put an end to these practices;

3. Further condemns the use of torture against Palestinians during interrogation, which the Israeli High Court of Justice has legitimized, and calls upon the Government of Israel to refrain immediately from the current interrogation practices and to work on abolishing the above-mentioned legitimization;

4. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and considers any change in the geographic and demographic status of the city of Jerusalem from its situation prior to the June 1967 war to be illegal and void;

5. Calls upon Israel to cease immediately its policy of enforcing collective punishments, such as demolition of houses and closure of the Palestinian territory, a measure which threatens thousands of Palestinians with hunger and endangers their lives;

6. Calls once more upon Israel, the occupying Power, to desist from all forms of violation of human rights in the Palestinian and other occupied Arab territories and to respect the bases of international law, the principles of international humanitarian law and its commitments to the provisions of the Charter and resolutions of the United Nations;

7. Also calls upon Israel to withdraw from the Palestinian territories, including Jerusalem, and the other occupied Arab territories in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;

8. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-fourth session;

9. Also requests the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

10. Decides to consider the question at its fifty-fourth session, as a matter of high priority.

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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 7

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Algeria, Bahrain*, Bangladesh, China, Cuba, Egypt, Indonesia, Jordan*, Malaysia, Morocco*, Oman*, Pakistan, Qatar*, Saudi Arabia*, Tunisia*, Yemen*: draft resolution

1997/... Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Taking into consideration the provisions of the Declaration on the Granting of Independence to Colonial Countries and peoples, adopted by the General Assembly in its resolution 1514 (XV) of 14 December 1960,

Guided by the provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, and in particular Part 1, paragraphs 2 and 3, relating to the right to self-determination of all peoples and especially those subject to foreign occupation,

Recalling Security Council resolutions 183 (1963) of 11 December 1963 and 218 (1965) of 23 November 1965, which affirmed the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV),

Recalling also General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference and to the establishment of their independent State on their national soil, especially Assembly resolutions ES-7/2 of 29 July 1980 and 37/86 E of 20 December 1982,

Reaffirming its previous resolutions in this regard, including the latest, resolution 1996/5 of 11 April 1996,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People submitted to the Security Council and the General Assembly,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a jus cogens in international law,

Recalling that the foreign occupation by the armed forces of a State of the territory of another State constitutes an obstacle to and a grave violation of human rights according to Part I, paragraph 30, of the Vienna Declaration and Programme of Action, and an act of aggression and a crime against the peace and security of mankind, according to General Assembly resolution 3314 (XXIX) of 14 December 1974,

Welcoming the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of Israel and the Palestine Liberation Organization in Washington on 13 September 1993, and the following agreements aimed at enabling the Palestinian people to achieve their national rights, and, principally, their right to self-determination free of external intervention,

1. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference;

2. Calls upon Israel to comply with its obligations under the Charter of the United Nations and the principles of international law, and to withdraw from the Palestinian territories, including Jerusalem, and the other Arab territories which it has occupied since 1967 by military force, in accordance with the relevant United Nations resolutions, so as to enable the Palestinian people to exercise their universally recognized right to self-determination;

3. Requests the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fifty-fourth session, all information pertaining to the implementation of the present resolution by the Government of Israel;

4. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that item, as a matter of high priority.

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Agenda item 4

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Algeria, Bahrain*, Bangladesh, Cuba, Egypt, Indonesia, Jordan*, Kuwait*, Lebanon*, Malaysia, Morocco*, Oman*, Qatar*, Saudi Arabia*, Somalia*, Syrian Arab Republic*, Tunisia*, United Arab Emirates*, Yemen*: draft resolution

1997/... Human Rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply conerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 51/135 of 12 December 1996, in which the Assembly, inter alia, called upon Israel to comply with Security Council resolution 497 (1981), to put an end to its practices violating the rights of the Syrian citizens in the occupied Syrian Golan and to put an end to its occupation of the occupied Syrian Golan,

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* In accordance with rule 69, para. 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/51/99/Add.2) and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israeli's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the principle of land for peace, which aims at the establishment of a just and comprehensive peace in the Middle East,

Expressing concern that the peace process on the Syrian and Labenese tracks has stumbled, and hoping that commitments and guarantees reached during the previous talks will be respected in order that the talks may resume as soon as possible,

Reaffirming its previous relevant resolutions, the most recent being resolution 1996/2 of 11 April 1996,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. Further calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-fourth session;

7. Decides to include in the provisional agenda of its fifty-fourth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab Territories, including Palestine".

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COMMISSION ON HUMAN RIGHTS
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Agenda item 4

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Australia*, Austria, Belgium*, Bulgaria, Cyprus*, Czech Republic, Denmark, Finland*, France, Germany, Greece*, Iceland*, Ireland, Italy, Japan, Liechtenstein*, Luxembourg*, Malta*, Netherlands, Portugal*, Romania*, Slovakia*, Spain*, Sweden*, Switzerland* and United Kingdom of Great Britain and Northern Ireland:

draft resolution

1997/... Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem,

Recalling previous resolutions of the Commission on Human Rights, most recently resolution 1996/4 of 11 April 1996 in which, inter alia, it reaffirmed the illegality of the Israeli settlements in the occupied territories,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1. Welcomes

(a) The positive developments that originated with the International Peace Conference on the Middle East convened in Madrid on 30 October 1991, including in particular the Declaration of Principles on Interim Self-Government Arrangements signed in Washington by the Government of Israel and the Palestine Liberation Organization on 13 September 1993 as well as the Interim Agreement on the West Bank and the Gaza Strip signed in Washington by the same parties on 28 September 1995;

(b) The recent step towards the further implementation of the relevant agreements, through the signing of the Protocol concerning the Redeployment in Hebron;

(c) The report (E/CN.4/1997/16) submitted by the Special Rapporteur pursuant to resolution 1993/2 A of 19 February 1993;

2. Expresses its deep concern

(a) At the Israeli settlement activities, including the expansion of settlements, the installation of settlers in the occupied territories, the expropriation of land, the demolition of houses, the confiscation of property, the expulsion of local residents and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem, since they are illegal, constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and are a major obstacle to peace;

(b) At and strongly condemns all acts of terrorism, whilst calling upon all parties not to allow any acts of terrorism to affect the ongoing peace process negatively;

3. Calls upon the Government of Israel

(a) To comply fully with the provisions of previous Commission resolutions on the subject, most recently resolution 1996/4 of 11 April 1996;

(b) To cease completely its policy of expanding the settlements and related activities in the occupied territories, including East Jerusalem;

(c) To forego and prevent any new installation of settlers in the occupied territories;

(d) To address the question of the Israeli settlements in the occupied territories during the negotiations on the final status of the territories, which are due to resume within two months after implementation of the Protocol concerning Redeployment in Hebron.

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Agenda item 7

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Draft resolution proposed by the Chairman

1997/... Question of Western Sahara

The Commission on Human Rights,

Having considered the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its earlier resolutions, the latest of which is resolution 1996/6 of 11 April 1996,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the then Chairman of the Assembly of Heads of State and Government of the Organization of African Unity, in the framework of their joint mission of good offices,

Recalling further Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, by which the Council approved the settlement plan for Western Sahara,

Recalling all the Security Council resolutions relating to the question of Western Sahara, in particular resolutions 621 (1988) of 20 September 1988, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993, 907 (1994) of 29 March 1994, 973 (1995) of 13 January 1995, 995 (1995) of 26 May 1995, 1002 (1995) of 30 June 1995, 1017 (1995) of 22 September 1995, 1033 (1995) of 19 December 1995 and 1042 (1996) of 31 January 1996, as well as all the General Assembly resolutions relating to the question of Western Sahara,

Recalling with satisfaction the entry into force of the ceasefire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Reaffirming the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan,

Taking note of Security Council resolution 1056 (1996) of 29 May 1996, by which the Council decided to suspend the work of the Identification Commission and supported the proposal of the Secretary-General to reduce the strength of the military component of the United Nations Mission for the Referendum in Western Sahara, owing to the absence of progress in the implementation of the settlement plan,

Seriously concerned about the risks that this impasse has on the implementation process of the settlement plan for the holding of a free, fair and impartial referendum for self-determination of the people of Western Sahara and on the peace and stability of the region,

Stressing the importance and usefulness of direct talks between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro in order to create the atmosphere of mutual confidence necessary for overcoming the obstacles to the implementation of the settlement plan,

Recalling that the General Assembly has examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/51/23 (Part V), chap. IX),

Having also examined the report of the Secretary-General (A/51/428),

1. Takes note of the report of the Secretary-General;

2. Reiterates its support for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council adopted the settlement plan for Western Sahara;

3. Reaffirms that the goal on which all were agreed consists of the holding of a free, fair and impartial referendum for the people of Western Sahara, organized and conducted by the United Nations, in cooperation with the Organization of African Unity and without any military or administrative constraints, in conformity with the settlement plan;

4. Expresses its serious concern about the persistent obstacles to the implementation of the settlement plan;

5. Notes that the General Assembly has taken note of Security Council resolution 1056 (1996), by which the Council decided to suspend the identification process and to reduce the strength of the military component of the United Nations Mission for the Referendum in Western Sahara, owing to the absence of progress in the implementation of the settlement plan;

6. Reaffirms the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan, and in this regard fully subscribes to the commitment of the Security Council and the Secretary-General concerning the fulfilment of their respective mandates, consisting of the holding of a free, fair and impartial referendum for self-determination of the people of Western Sahara;

7. Declares its conviction of the importance and usefulness of direct contacts between the two parties, with a view to overcoming their differences and creating propitious conditions for the speedy and effective implementation of the settlement plan, and encourages in this regard the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to start direct talks as soon as possible;

8. Notes that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the Assembly at its fifty-second session;

9. Decides to follow the development of the situation in Western Sahara and to consider the question at its fifty-fourth session, as a matter of high priority, under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Austria, Belgium, Denmark, Finland*, Germany, Iceland*, Netherlands, Norway*, Republic of Korea, Romania*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

1997/... Middle East peace process

The Commission on Human Rights,

Recalling its resolution 1996/7 of 11 April 1996,

Recalling also the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Recalling further the convening of the International Peace Conference on the Middle East in Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups, and noting with satisfaction the broad international support for the peace process,

Noting the continuing positive participation of the United Nations as an extraregional participant in the work of the multilateral working groups,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling the Declaration on Measures to Eliminate International Terrorism annexed to General Assembly resolution 49/60 of 9 December 1994, in which the Assembly declared that acts, methods and practices of terrorism constituted a grave violation of the purpose and principles of the United Nations, and might pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bodies of society,

1. Stresses the importance of, and the need for, achieving a comprehensive, just and lasting peace in the Middle East;

2. Emphasizes that the achievement of such a peace is vital to the full implementation of human rights in all areas;

3. Welcomes the peace process started in Madrid and supports the subsequent bilateral negotiations;

4. Also welcomes the Protocol concerning the Redeployment in Hebron of 15 January 1997 signed by the Government of Israel and the Palestine Liberation Organization, and the subsequent redeployment of Israeli troops from parts of Hebron;

5. Further welcomes the release of female Palestinian prisoners from Israeli detention as a confidence-building measure;

6. Calls upon all parties to protect the human rights and well-being of all detained persons under their control;

7. Supports the declaration adopted at the Summit of Peacemakers held at Sharm El Sheik, Egypt, on 13 March 1996, which had as its objectives enhancing the peace process, promoting security and combating terrorism, and condemns terrorist attacks in the Middle East which seek to undermine the peace process and which have caused loss of life and injuries;

8. Calls upon all parties to work to advance a free civil society, under the rule of law;

9. Calls upon the Centre for Human Rights to continue to make available, on request, its programme of advisory services and technical assistance to the Palestinian Authority, and invites Governments to continue to contribute to the programme;

10. Expresses its full support for the achievements of the peace process thus far, in particular the Declaration of Principles on Interim Self-Government Arrangements, signed on 13 September 1993 by the Government of

Israel and the Palestine Liberation Organization, the representative of the Palestinian people, the subsequent Agreement on the Gaza Strip and the Jericho Area, signed on 4 May 1994 by the Government of Israel and the Palestine Liberation Organization, their 29 August 1994 Agreement on the Preparatory Transfer of Powers and Responsibilities, the Interim Agreement on the West Bank and the Gaza Strip, of 28 September 1995, the Protocol concerning the Redeployment in Hebron signed on 15 January 1997, the Agreement between Israel and Jordan on the Common Agenda, of 14 September 1993, the Washington Declaration signed by Jordan and Israel on 25 July 1994, and the Jordan-Israel Treaty of Peace of 26 October 1994, which constitute important steps in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement the agreements reached;

11. Encourages the continuation of negotiations on the implementation of the next stage of the Declaration of Principles on Interim Self-Government Arrangements.

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Agenda item 13

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Azerbaijan*, Pakistan and Turkey*: draft resolution

1997/... Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming its resolution 1996/21 of 11 April 1996 and recalling General Assembly resolution 51/79 of 12 December 1996, as well as resolution 1996/8 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Bearing in mind the Vienna Declaration and Programme of Action which calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance continue to persist and even to grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Firmly convinced of the need to take effective and sustained measures at the international, regional and national levels for the elimination of all forms of racism and racial discrimination and, in particular, of the importance of strengthening national legislation and institutions for the promotion of racial harmony,

Noting the conclusion of the Special Rapporteurs of the Sub-Commission, contained in their final report (E/CN.4/Sub.2/1992/9), that under international law, racism is not an opinion but an offence,

Noting also that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, held that the prohibition of the dissemination of all ideas based upon racial superiority or racial hatred was compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights, and in article 5 of the Convention,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71) and its two addenda, as well as addenda 2, 3 and 4 to the Special Rapporteur's previous report (E/CN.4/1996/72),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the

international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Reaffirming that impunity for crimes motivated by racist and xenophobic attitudes contributes to the weakening of the rule of law and tends to encourage the recurrence of such crimes,

Underlining the importance of creating conditions that foster greater harmony and tolerance within societies,

1. Takes note of the reports submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including their addenda, and expresses its full support and appreciation for his work and for its continuation;

2. Commends those States that have so far invited and received the Special Rapporteur, and invites them to examine carefully the recommendations contained in his reports, with a view to their possible implementation;

3. Expresses its profound concern at and unequivocal condemnation of all forms of racism, racial discrimination and all racist acts, in particular racist violence and related acts of random and indiscriminate violence;

4. Expresses its deep concern at and condemnation of manifestations of racism and racial discrimination against migrant workers and other vulnerable groups in many societies;

5. Categorically condemns any role played by some print, audiovisual or electronic media in inciting acts of violence motivated by racial hatred;

6. Supports the efforts of Governments in taking measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance and, in this regard, welcomes the designation by the European Union of 1997 as European Year against Racism;

7. Calls upon all States to enact and enforce legislation to prevent and sanction acts of racism and racial discrimination, and notes the conclusions and recommendations of the Special Rapporteur in this regard, as well as those on integration policies;

8. Encourages again the efforts of Governments to consider penalizing incitement to discriminatory acts based upon racial hatred and racial violence, including those effected through print, audiovisual or electronic media;

9. Recommends that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of

creating awareness of the principles of human rights, particularly among young people, and to the training of law-enforcement personnel, inter alia through the promotion of tolerance and respect for cultural diversity;

10. Welcomes the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

11. Requests the Special Rapporteur to continue his exchange of views with Member States and the relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

12. Calls upon all Governments, intergovernmental organizations and relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

13. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate;

14. Requests the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

15. Invites all Governments, where possible, to take measures to provide assistance and rehabilitation to victims of acts of racism, racial discrimination, xenophobia and related intolerance;

16. Regrets that the Special Rapporteur continues to encounter difficulties in his efforts to fulfil his mandate, owing to the lack of necessary resources;

17. Requests the Secretary-General to provide, without any further delay, the Special Rapporteur with all the necessary assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session;

18. Decides to continue the consideration of this question at its fifty-fourth session under the agenda item entitled "Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" as a matter of priority.

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Fifty-third session
Agenda item 13

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Canada, Turkey*, United States of America and Uruguay: draft resolution

1997/... Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming its resolution 1996/21 of 11 April 1996 and recalling General Assembly resolution 51/79 of 12 December 1996, as well as resolution 1996/8 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Bearing in mind the Vienna Declaration and Programme of Action, which calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance continue to persist and even to grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Firmly convinced of the need to take effective and sustained measures at the international, regional and national levels for the elimination of all forms of racism and racial discrimination and, in particular, of the importance of strengthening national legislation and institutions for the promotion of racial harmony,

Noting the conclusion of the Special Rapporteurs of the Sub-Commission, contained in their final report (E/CN.4/Sub.2/1992/9), that under international law, racism is not an opinion but an offence,

Noting also that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, held that the prohibition of the dissemination of all ideas based upon racial superiority or racial hatred was compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights, and in article 5 of the Convention,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71) and its two addenda, as well as addenda 2, 3 and 4 to the Special Rapporteur's previous report (E/CN.4/1996/72),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Reaffirming that impunity for crimes motivated by racist and xenophobic attitudes contributes to the weakening of the rule of law and tends to encourage the recurrence of such crimes,

Underlining the importance of creating conditions that foster greater harmony and tolerance within societies,

1. Takes note with interest of the reports submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including their addenda;

2. Expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;

3. Commends those States that have so far invited and received the Special Rapporteur, and invites them to examine carefully the recommendations contained in his reports, with a view to their possible implementation;

4. Expresses its profound concern at and unequivocal condemnation of all forms of racism, racial discrimination and all racist acts, in particular racist violence and related acts of random and indiscriminate violence;

5. Expresses its deep concern at and condemnation of manifestations of racism and racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

6. Categorically condemns any role played by some print, audiovisual or electronic media in inciting acts of violence motivated by racial hatred;

7. Supports the efforts of Governments in taking measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance and, in this regard, welcomes the designation by the European Union of 1997 as European Year against Racism;

8. Calls upon all States to enact and enforce legislation to prevent and sanction acts of racism and racial discrimination, and notes the conclusions and recommendations of the Special Rapporteur in this regard, as well as those on integration policies;

9. Supports the efforts of Governments to discourage, as appropriate, incitement to discriminatory acts based upon racial hatred and racial violence;

10. Recommends that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and to the training of law-enforcement personnel, inter alia through the promotion of tolerance and respect for cultural diversity;

11. Welcomes the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

12. Requests the Special Rapporteur to continue his exchange of views with Member States and the relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

13. Calls upon all Governments, intergovernmental organizations and relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

14. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance;

15. Requests the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

16. Invites all Governments to take measures, where possible, to provide assistance and rehabilitation to victims of acts of racism, racial discrimination, xenophobia and related intolerance;

17. Regrets that the Special Rapporteur continues to encounter difficulties in his efforts to fulfil his mandate, owing to the lack of necessary resources;

18. Requests the Secretary-General to provide, without any further delay, the Special Rapporteur with all the necessary assistance and resources

to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session;

19. Decides to continue the consideration of this question at its fifty-fourth session under the agenda item entitled "Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" as a matter of priority.

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Fifty-third session
Agenda item 26

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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Chapter

XXII. FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

GE.97-12369 (E)

XXII. FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

1. The Commission considered agenda item 22 at its 62nd meeting, on 14 April, and at its 67th meeting, on 16 April 1997. 1/

2. For the documents issued under agenda item 22, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission, see annex .. to the present report.

3. In the general debate on agenda item 22, statements 2/ were made by the following members of the Commission: Austria (62nd), China (62nd), El Salvador (62nd), Ukraine (62nd).

4. Statements were also made by the observers for Cyprus (62nd), Iran (Islamic Republic of) (62nd), Malta (62nd), Senegal (62nd). A statement was also made by the observer for the United Nations Educational, Scientific and Cultural Organization (62nd).

5. The Commission also heard statements by the following non-governmental organizations: Commission for the Defense of Human Rights in Central America (62nd), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (62nd), Indian Council of Education (62nd).

6. At its 67th meeting, on 16 April 1997, the Commission took up consideration of draft resolutions submitted under item 22.

Report of the United Nations High Commissioner for Human Rights

7. The representative of Ecuador introduced draft resolution E/CN.4/1997/L.100 sponsored by Argentina, Bolivia, Brazil, Cape Verde, Chile, Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Peru, Slovenia and Uruguay. Malta, Paraguay and Venezuela subsequently joined the sponsors.

8. The draft resolution was orally revised by the representative of Ecuador as follows:

(a) At the end of operative paragraph 1, "E/CN.4/1997/98 and Add.1" was added;

(b) In operative paragraph 3, after "enhancing", the words "the Office" were deleted;

(c) In operative paragraph 4, after "support", the words "the Office of" were deleted. In the same paragraph, before "constitute", the words "these entities" were replaced by "they".

9. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/68.

Comprehensive implementation of the follow-up to the Vienna Declaration and Programme of Action

10. The representative of Austria introduced draft resolution E/CN.4/1997/L.107 sponsored by Argentina, Austria, Bolivia, Bosnia and Herzegovina, Cape Verde, Chile, Colombia, Cyprus, the Czech Republic, Denmark, Ethiopia, Finland, France, Germany, Ghana, Guatemala, Haiti, Hungary, Ireland, Israel, Italy, Lithuania, Luxembourg, Malta, Mongolia, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay. Australia, Bangladesh, Belarus, Bulgaria, Canada, the Dominican Republic, Egypt, El Salvador, Greece, Latvia, Liechtenstein, Madagascar, Mozambique, New Zealand, Paraguay, Poland, South Africa, Spain, Thailand, the United States of America, Venezuela and Zambia subsequently joined the sponsors.

11. The draft resolution was orally revised by the representative of Austria by deleting, in operative paragraph 6, the words "and the Commission on Human Rights".

12. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/69.